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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,896	08/02/2000	Timothy J. Moulsley	PHB 34 , 390	7981

24737 7590 02/05/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
SHAH, CHIRAG G	

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
02/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/630,896	MOULSLEY ET AL.	
	Examiner	Art Unit	
	Chirag G. Shah	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,17-20,22-25,27-30 and 32-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,17-20,22-25,27-30 and 32-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/8/2008 has been entered.

2. Applicant's arguments filed 11/06/07 have been fully considered but they are not persuasive.

Applicant amends claim 15 to include the features of rejected claim 16, which does not render the claim allowable after the prosecution on the merit is closed. The limitation, "wherein the random access channel status message further indicates which data rates are available on a first random access channel" is clearly disclosed in the Aftelak references. Aftelak teaches of a communications system wherein base station transmits status information to subscriber units (mobile station). Aftelak discloses on page 8 and 9 of capabilities of the network, where it provides subscriber units with a first channel or cell that can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities. Thus, indicating the highest data rate available on the random access channel. Therefore, it would have been obvious to modify the teachings of Cho to include the teachings of Aftelak in order to provide better user service and reduce channel resource fluctuations in order to efficiently request the rate needed for transmission. Applicant argues that Aftelak describes

that "different subscriber units can have different capabilities. Some subscriber units may...support a low data rate transmission whereas other subscriber units are also able to support high data services, which is argued by the Applicant as being different from the claimed invention. Examiner respectfully disagrees and redirects Applicant to Aftelak reference. Aftelak clearly discloses on page 9 that a BS in a first cell can support high data rate transmission whereas a BS in a neighboring cell cannot, thus upon receiving such status message the subscriber unit can determine which base station (wireless channel) can meet the current needs. Based on the prior art, office action and logical explanation of the arguments, Examiner respectfully believes that claims 15-34 are unpatentable over the cited art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 15, 17-20, 22-25, 27-30 and 32-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Aftelak et al. (WO 00/07401).

Referring to claims 15, 20, 25 and 30, Cho et al discloses in the abstract, figure 12 and claims 1-6 of a radio communication system, comprising a primary station (base station) operable (having means) to transmit a random access channel status message (BCCH) indicating an availability of random access channel resources (Base Station generates a broadcast channel

frame at predetermined intervals, which includes status information indicating whether channel codes which are changing in real time are occupied or not as disclosed in the abstract and claim 1); a plurality of secondary stations (mobile stations) operable (means for receiving) to receive the random access channel status message (a mobile stations selects an available channel code based on information from the received broadcast frame as disclosed in the abstract and claims 1-3), wherein each secondary station (at least one secondary) is further operable (means for requesting) to **determine which** a random access **resource to request** based on the random access channel status message (Cho et al further discloses in the abstract and claims 1-3 that upon selecting an available channel code based the received broadcast channel frame, the mobile station generates a channel assignment request message and transmits the channel assignment request message on a random access channel); and wherein the primary station (Base Station) is further operable (having means) to dynamically allocate bit rates (set a transmission rate) to at least one random access channel in response to a request (request by a mobile station) for at least one random access channel resource from one of the plurality of secondary (mobile) stations (Cho et al discloses in the abstract, page 5, lines 5-15, page 10, lines 5-24 and page 15, lines 1-13 along with figures 6 and 12, Cho clearly states that the mobile station selects an available channel code based on information from the received broadcast channel frame, generates a channel assignment request message, and transmits the channel assignment request message on a random access channel. Upon the reception of the channel assignment request message on the random access channel, the base station (primary station) assigns a channel, dynamically sets a transmission rate, and transmits the information on a forward access channel. Thus, the primary

station dynamically allocates/sets a bit rate to only a (single) channel, irrespective of the allocated bit rate in response to a request by a mobile station (secondary station) as claims.

Cho fails to disclose, "wherein the random access channel status message further indicates which data rates are available on a first random access channel" is clearly disclosed in the Aftelak references. Aftelak teaches of a communications system wherein base station transmits status information to subscriber units (mobile station). Aftelak discloses on page 8 and 9 of capabilities of the network, where it provides subscriber units with a first channel or cell that can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities. Thus, indicating the highest data rate available on the random access channel. Therefore, it would have been obvious to modify the teachings of Cho to include the teachings of Aftelak in order to provide better user service and reduce channel resource fluctuations in order to efficiently request the rate needed for transmission.

5. Referring to claims 18, 19, 23, 24, 28, 29, 33 and 34, Cho et al discloses in the abstract, figure 5; 8 and 9 of wherein the random access channel status message is transmitted by the primary station (base station generates a broadcast channel frame, which includes status information indicating whether channel codes which are changing in real time are occupied or not and further more as disclosed in figure 8, the information sent on a BCCH by the base station includes a system parameter, PID, and status information) as a part of a paging indicator channel and an acquisition indicator channel (the frame data of BCCH includes the PID of the mobile station, which implies that the mobile station is paged from the network, the mobile station attempts a channel access and when the mobiles station requests the channel assignment for

paging, the mobile station NR and AR fields indicating a required assigned band and an additional assigned band respectively are both set to 0 because the mobile station does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band (rate) acquisition for processing traffic as disclosed in page 11, lines 3-21) as claim.

6. Referring to claims 17, 22, 27, and 32, Cho discloses in the abstract, figures 8, 12, and claims 1-6 of a method characterized by the random access channel status message. Cho fails to disclose of sending a random channel status message indicating which data rates with respect to channel codes and highest data rates available on the random access channel. Aftelak teaches of a communications system wherein base station transmits status information to subscriber units (mobile station). Aftelak discloses on page 8 and 9 of capabilities of the network, where it provides subscriber units where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities. Thus, indicating the highest data rate available on the random access channel as claim 12. Therefore, it would have been obvious to modify the teachings of Cho to include the teachings of Aftelak in order to provide better user service and reduce channel resource fluctuations in order to efficiently request the rate needed for transmission.

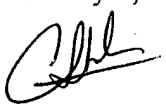
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cgs
February 1, 2008



CHIRAG SHAH
PRIMARY PATENT EXAMINER

Chirag G. Shah
Primary Examiner, 2616